

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEREK LAMAR GREEN,

Defendant.

No. CR99-0074-LRR

**ORDER REGARDING SENTENCE  
REDUCTION PURSUANT TO  
18 U.S.C. § 3582(c)(2)**

This matter is before the court pursuant to its order dated March 19, 2008 and the hearing held on April 11, 2008. In the March 19, 2008 order, the court determined that it could rely on Amendment 706 to reduce the defendant's sentence. At the hearing, the court deemed it appropriate to exercise its discretion and grant the defendant a reduction under 18 U.S.C. § 3582(c)(2) and USSG §1B1.10. The defendant's previously imposed 130 month term of imprisonment, as reflected in the judgment dated August 14, 2000, is reduced to 120 months imprisonment.<sup>1</sup> The defendant's new term of imprisonment applies

<sup>1</sup> For purposes of the hearing and the instant order, the court relied on the following determinations:

Previous Offense Level:	27	Amended Offense Level:	25
Criminal History Category:	V	Criminal History Category:	V
Previous Guideline Range:	120 to 150 months	Amended Guideline Range:	120 to 125 months

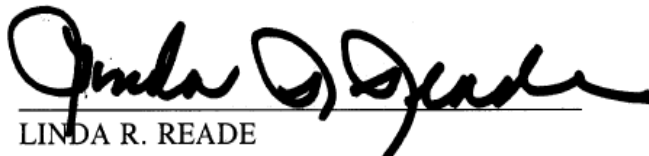
Under 21 U.S.C. § 841(b)(1)(B), the defendant is subject to a ten year mandatory minimum, and, therefore, the defendant's amended guideline range is 120 to 125 months imprisonment, rather than 100 to 125 months imprisonment. *See* USSG §5G1.1(c)(2) ("[T]he sentence may be imposed at any point within the applicable guideline range, provided that the sentence— . . . is not less than any statutorily required minimum sentence."). The reduced sentence of 120 months imprisonment is within the amended guideline range.

to count 1 of the indictment.<sup>2</sup> Except as provided above and as stated during the hearing, all provisions of the judgment dated August 14, 2000 remain in effect; the duration and other conditions of the defendant's supervised release remain unchanged.

The Clerk of Court is directed to send a copy of this order to the Bureau of Prisons, that is, the place where the defendant is currently incarcerated. The Clerk of Court is also directed to send a copy of this order to the defendant, USM No. 08175-029.

**IT IS SO ORDERED.**

**DATED** this 14th day of April, 2008.



LINDA R. READE  
CHIEF JUDGE, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF IOWA

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<sup>2</sup> Count 1 charged the defendant under 21 U.S.C. § 841(a)(1) and 21 U.S.C. § 841(b)(1)(B). The government subsequently filed a notice of its intent to seek enhanced penalties under 21 U.S.C. § 851.